STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of P.H.C., C.H.C., and J.M.C.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HEGE CROWTON,

Respondent-Appellant,

and

DAVID CROWTON,

Respondent.

UNPUBLISHED
January 21, 2003

No. 240669
Oakland Circuit Court
Family Division
LC No. 99-630558-NA

In the Matter of P.H.C., C.H.C., and J.M.C.,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAVID CROWTON,

Respondent-Appellant,

and

HEGE CROWTON,

Respondent.

No. 240678
Oakland Circuit Court
Family Division
LC No. 99-630558-NA

Before: Jansen, P.J., and Hoekstra and Gage, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

Respondents first argue that the trial court erred in accepting their no contest pleas to the allegations in the supplemental petition to terminate their parental rights. Respondents assert that, contrary to MCR 5.971(C)(2), there was no factual basis for their pleas, thus rendering them defective. However, after the court advised respondents of the rights they would be waiving by pleading no contest to the allegations in the permanent custody petition, following which respondents tendered their pleas, counsel for each respondent, in response to an inquiry from the court, expressed their satisfaction with the plea proceeding, thereby affirmatively waiving any error. *People v Carter*, 462 Mich 206, 214-215; 612 NW2d 144 (2000); *People v Tate*, 244 Mich App 553, 559; 624 NW2d 524 (2001).

Even if this issue had not been waived, appellate relief would not be warranted. Respondents' reliance on MCR 5.971(C)(2) is misplaced because that rule, by its terms, requires support for "a finding that the child comes within the jurisdiction of the court[.]" Here, the trial court had already assumed jurisdiction over the children and jurisdiction was no longer an issue. Furthermore, in *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992), this Court held that a respondent can consent to termination of his or her parental rights, in which case the judge need not announce a statutory basis for termination. Thus, we reject respondents' claim that the court erred in accepting their pleas to the allegations in the supplemental petition for permanent custody.

Each respondent also argues that their attorney was ineffective for allowing them to plead no contest to the allegations in the petition to terminate parental rights. We disagree.

The principles of effective assistance of counsel developed in the context of criminal law apply by analogy in child protective proceedings. *In re Simon*, 171 Mich App 443, 447; 431 NW2d 71 (1988). Thus, when reviewing a claim of ineffective assistance of counsel arising out of a plea, the pertinent inquiry is whether the plea was made voluntarily and understandingly. *People v Thew*, 201 Mich App 78, 89; 506 NW2d 547 (1993). "The question is not whether a court would, in retrospect, consider counsel's advice to be right or wrong, but whether the advice was within the range of competence demanded of attorneys in criminal cases." *Id*. at 89-90. Once counsel has satisfied the obligation of informing his or her client of defenses and the consequences of his or her plea, counsel must abide by his client's decision. *People v Effinger*, 212 Mich App 67, 71; 536 NW2d 809 (1995).

Limiting our review to the record, *People v Avant*, 235 Mich App 499, 507; 597 NW2d 864 (1999), there is nothing to indicate that respondents' pleas were not made voluntarily and understandingly. On the contrary, the record reveals that before accepting respondents' pleas, the court properly advised respondents of their various rights and the specific allegations against them. Respondents indicated that they understood their rights and that they were waiving those

rights by pleading no contest to the allegations. Thus, the record does not support respondents' claims of ineffective assistance of counsel.

Respondent Hege Crowton argues that the trial court erred in finding that termination was warranted pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). Apart from respondent's no contest plea, the record contains evidence demonstrating both respondents' continued battle with substance abuse and their abandonment of the children. In light of this evidence, and the psychological report introduced at the best interests hearing, we find no error.

Respondent David Crowton argues that the trial court erroneously found that petitioner had made reasonable efforts to reunite the family. In this regard, respondent's argument focuses on petitioner's efforts before 2001, which the trial court determined at that time did not amount to reasonable efforts at reunification. Subsequently, however, respondents were offered services and opportunities for reunification, which they did not take advantage of. The trial court did not clearly err in finding that reasonable efforts at reunification were made before the filing of the permanent custody petition.[1]

Lastly, respondents argue that the trial court erroneously found that termination of their parental rights was in the children's best interests. We disagree. Once a statutory basis for termination is established, the court must order termination of parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court's best interests decision for clear error. *Id*. at 356-357.

Here, as noted above, respondents pleaded no contest to the allegations establishing the grounds for termination. Considering the lengthy time the children had been in foster care and the evidence of the additional time respondents would need before they could be in a position to properly care for the children, we find no clear error in the trial court's determination that given the children's need for stability, termination of respondents' parental rights was not clearly contrary to the children's best interests.

Affirmed.

/s/ Kathleen Jansen
/s/ Joel P. Hoekstra
/s/ Hilda R. Gage

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[1] Respondent also asserts that petitioner's reports to the court did not satisfy the requirements of MCR 5.973(A)(4)(a). However, respondent does not expand upon or sufficiently explain its position on this issue in his brief and, therefore, we deem the issue abandoned. See *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959); *People v Watson*, 245 Mich App 572, 587; 629 NW2d 411 (2001).